

SENATE BILL 1040

By Fowler

AN ACT relative to deposits and revenues allocated to special revenue funds, accounts, reserves and deposits. This act makes appropriations for an indefinite period of time to allocate a portion of such funds for deficit reduction and for bonuses to state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Notwithstanding any other provision of law to the contrary, with respect to the following special revenue funds, accounts, reserves and deposits any funds collected during a fiscal year that are not expended or obligated at the end of such fiscal year shall be allocated as provided in Section 2 of this act:

- (1) Tennessee Code Annotated, Section 49-3-357, education trust fund of 1992;
- (2) Tennessee Code Annotated, Section 54-2-103, state highway fund;
- (3) Tennessee Code Annotated, Section 70-1-401, wildlife resources fund;
- (4) Tennessee Code Annotated, Section 40-24-107, criminal injuries compensation fund;
- (5) Tennessee Code Annotated, Section 68-211-821, solid waste management fund;
- (6) Tennessee Code Annotated, Section 50-7-451, Tennessee job skills fund;

- (7) Tennessee Code Annotated, Section 68-203-101, Tennessee environmental protection fund;
- (8) Tennessee Code Annotated, Section 68-212-108, the hazardous waste trust fund;
- (9) Tennessee Code Annotated, Section 67-4-409, local parks land acquisition fund;
- (10) Tennessee Code Annotated, Section 67-4-409, state land acquisitions fund;
- (11) Tennessee Code Annotated, Section 68-215-110, petroleum underground storage tank fund;
- (12) Tennessee Code Annotated, Section 7-86-108, 911 emergency communications fund;
- (13) Tennessee Code Annotated, Section 67-4-602, driver education reserve account;
- (14) Tennessee Code Annotated, Section 59-8-212, Tennessee surface mine reclamation fund;
- (15) Tennessee Code Annotated, Section 62-19-116, auctioneer education and recovery account;
- (16) Tennessee Code Annotated, Section 62-13-208, real estate education and recovery account;
- (17) Tennessee Code Annotated, Section 55-3-208, motor vehicle title and salvage law enforcement and anti-theft program account;
- (18) Tennessee Code Annotated, Section 44-19-116, dairy promotion committee deposits;
- (19) Tennessee Code Annotated, Section 68-217-103, drycleaner environmental response fund;

(20) Tennessee Code Annotated, Section 43-1-701, Tennessee agricultural regulatory fund;

(21) Tennessee Code Annotated, Section 65-3-202, railroad account;

(22) Tennessee Code Annotated, Section 65-5-213, small and minority-owned telecommunications business assistance general fund reserve;

(23) Tennessee Code Annotated, Section 39-13-709, sex offender treatment fund; and

(24) Tennessee Code Annotated, Section 40-3-202, fraud and economic crimes prosecution funds.

SECTION 2. If at the end of fiscal year and prior to funds being reallocated in the manner provided in this section, the balance in a special revenue fund, account, reserve and deposit designated in Section 1 is equal to or greater than fifty percent (50%) of the average funds expended from such fund, account, reserve and deposit during the preceding three (3) fiscal years, then the following allocations shall apply:

Thirty percent (30%) of the funds collected during a fiscal year by each special revenue fund, account, reserve and deposit designated in Section 1 which are not expended or obligated at the end of each state fiscal year shall be deposited in the state general fund. Thirty percent (30%) of such unexpended and obligated amounts shall be appropriated and allocated equally among all employees of the department or entity which administers the program which receives revenue from the special revenue fund, account, reserve or deposit fund as a bonus. The bonus shall be paid on August 31 of each fiscal year in which a deposited amount exists. Such bonus shall be given only to full-time state employees who have been employed by the department or entity for six (6) months or more during the fiscal year in which the bonus is earned. Such bonus shall not be included in compensation for determination of benefits under the Tennessee consolidated retirement system, for matching 401(k) or other retirement contributions, or

for the calculation of any state benefit which is dependent on the compensation paid for the determination of a state benefit. The remaining forty percent (40%) of the balance of such unexpended and unobligated funds shall be allocated in accordance with the provisions of law creating the special revenue fund, account, reserve or deposit.

SECTION 3. The provisions of this act shall take effect on becoming a law, the public welfare requiring it, and shall apply to the 2003-2004 state fiscal year and thereafter.